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18 **UNITED STATES DISTRICT COURT**

19 **DISTRICT OF NEVADA**

20 TASER INTERNATIONAL, INC.,

21 Plaintiff,

22 vs.

23 STINGER SYSTEMS, INC.; JAMES F.  
24 MCNULTY, Jr.; and ROBERT GRUDER,

25 Defendants.  
26

No. 2:09-CV-00289-KJD-PAL

**MOTION FOR EXPEDITED HEARING  
ON MOTION RE WAIVER OF  
PRIVILEGE**

1           TASER has filed a motion asking the Court to rule that defendants Stinger  
2       Systems and Gruder definitively waived any privilege objections last week by voluntarily  
3       producing literally hundreds (if not thousands) of potentially privileged documents. Dkt.  
4       118. TASER *urgently* needs a hearing on this matter. The reason is this. Stinger has a  
5       pending case in Florida – an Assignment for the Benefit of Creditors (“ABC”) matter – in  
6       which it has proposed a sale transaction. That transaction must be approved by the  
7       Florida court, and the judge has set the approval hearing for September 15. Meanwhile,  
8       before suspending its review of the Stinger/Gruder production to file its motion, TASER  
9       discovered evidence suggesting that the transaction being proposed is fraudulent. We are  
10      submitting some of those documents to the Court separately for *in camera* review.  
11      Without disclosing the substance of those documents here, TASER believes they reflect  
12      Stinger’s intent to use the ABC action to avoid its liabilities in this case and patent  
13      litigation in Arizona, and to emerge from the ABC action under a different name but with  
14      the same operations.

15           It is imperative that TASER be in a position to apprise the Florida court of the  
16      facts reflected in these documents before that court decides whether to approve the  
17      transaction. TASER also needs an opportunity to complete its review of defendants’  
18      production of documents to confirm whether there is additional evidence which the  
19      Florida court ought to take into consideration on September 15. This is a matter of  
20      importance not only to TASER, but to the judicial system itself, as it involves nothing  
21      less than fair disclosure of the truth to a sister court.

22           TASER asks the Court to convene a hearing at the earliest possible vacancy on the  
23      Court’s calendar to hear this matter and address this emergency situation. We recognize  
24      that the Court has a busy docket and would not ask for this relief but for the upcoming  
25      September 15 hearing in Florida.  
26

1 Respectfully submitted this 9th day of September, 2010.

2 **GALLAGHER & KENNEDY, P.A.**

3  
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16 **CERTIFICATE OF SERVICE**

17 I hereby certify that on the 9th day of September, 2010, I electronically  
18 transmitted the attached document to the Clerk of the Court using the CM/ECF System  
19 for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF  
20 registrants:

21 P. Sterling Kerr, Esq.  
22 Marvin L.P. Simeon, Esq.  
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Inc. and Robert Gruder*

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7 I further certify that on the 9th day of September, 2010, I served the attached  
8 documents via electronic mail and U.S. Postal Service, First-Class Postage Prepaid, on  
9 the following parties or counsel, who are not registered participants on the CM/ECF  
10 System:

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